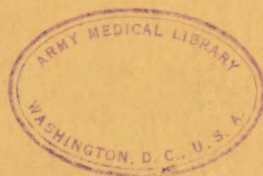


Circular 234
V. D. Laws

93532
January 1, 1946

L A W S

relating to
VENEREAL DISEASE CONTROL
REVISED



Division of Venereal Disease Control
New Jersey State Department of Health
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VENEREAL DISEASE LAWS

The venereal disease program of New Jersey is authorized and, to some extent, limited by State laws. These laws are quoted here in full, preceded by an explanatory statement in some instances, as the frame of reference for public health work in this field. Related legislation of particular interest to those working in a venereal disease control program also is included. Titles and paragraph headings are listed first, with the text of the laws following. There is an alphabetical index of subjects on page 25, for ease in referring to particular sections.

REVISED STATUTES OF NEW JERSEY—1937

AS AMENDED

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Title 26. HEALTH AND VITAL STATISTICS VENEREAL DISEASES

The paragraphs which follow (26:4-27 to 49.8, and 26:4-129, 130) are the reporting and control laws enacted in 1917 and 1918 and amended in 1938 and 1945. They are the framework on which the control program was started in 1918 and carried on to the present. The amendments of 1945 vest authority for carrying out a control program jointly in the local and state health departments. The use of coercive measures is restricted to infectious cases, as defined on pages 20 and 21.

26:4-27. "Venereal disease"; "treating a venereal disease"; "licensed health officer." As used in this article:

"Venereal disease" includes syphilis, gonorrhea, chancroid, lymphogranuloma venereum and granuloma inguinale.

"Treating a venereal disease" includes the treatment of or attempt to treat a venereal disease by prescription, formula, patented or proprietary

medicine or compound or otherwise, or the sale or gift, for the purpose of treating or attempting to treat such a disease, of any prescription, formula, patented or proprietary medicine or compound which either by itself or in connection with any other treatment, medicine, or compound is claimed to be useful, or to cure, relieve, or arrest in any way any venereal disease.

"Licensed health officer" shall mean and include only a person holding office as a local health officer who holds a valid health officer's license issued by the state department of health.

Source. L. 1945, c. 104, §1, p. 448. Approved April 7, 1945, effective immediately.

26:4-28. Venereal diseases declared infectious and communicable.*

Syphilis, gonorrhea, chancroid, lymphogranuloma venereum and granuloma inguinale are hereby declared to be infectious and communicable diseases, dangerous to the public health.

Source. L. 1945, c. 104, §2, p. 448. Approved April 7, 1945, effective immediately.

26:4-29. Determination of infectiousness; review.** A case or venereal disease shall be regarded as infectious until a physician licensed to practice medicine has examined the case and reported to the local board that the case is not infectious, but if in the opinion of the local board of the jurisdiction the protection of the public health requires it, the board may review the case and cause a medical examination of any such case to be made by a physician designated by the board, and the opinion of such physician as to the infectiousness or noninfectiousness of the case shall be final.

Source. L. 1918, c. 253, par. 7, p. 962 (1924 Suppl., par. 89-273n), as am. by L. 1933, c. 261, par. 4, p. 703.

26:4-30. Examination of suspected person on report from director.

When a local board or health officer receives a report from the director or from any person authorized by the director to make such report, that a person within the jurisdiction of the local board or health officer is, or is suspected to be, suffering from or infected with a venereal disease, the board or health officer may cause a medical examination to be made of the person for the purpose of ascertaining whether or not such person is in fact suffering from or infected with such disease.

Source. L. 1918, c. 253, par. 1, p. 960 (1924 Suppl., par. 89-273h), as am. by L. 1933, c. 261, par. 1, p. 701.

26:4-31. Duty of suspected person to be examined; sex of examining physician. Any person requested by the local board or health officer to be examined under the authority of section 26:4-30 of this title shall submit to examination and permit necessary specimens of blood or bodily discharges to be taken for laboratory examination.

The examination shall be made by a physician of the same sex as the person being examined if the latter so requests.

Source. L. 1918, c. 253, par. 1, p. 960 (1924 Suppl., par. 89-273h), as am. by L. 1933, c. 261, par. 1, p. 701.

26:4-32. Prostitute; examination; certificate prohibited. A prostitute or other lewd person shall be considered a suspected person within the

* Other laws pertaining to communicable diseases might be held to apply to venereal diseases also, but it is the usual practice in law to rule that a specific law takes precedence over a general law. Under such a ruling general communicable disease laws would not apply to venereal diseases in instances where they would conflict with the venereal disease laws.

** Definition of Infectiousness—See page 20.

meaning of section 26:4-30 of this title and may be required to submit to examination at any time.

No certificate of freedom from venereal disease shall be issued to any prostitute under any circumstances whatever.

Source. L. 1918, c. 253, par. 2, p. 960 (1924 Suppl., par. 89-273i).

26:4-33. Discovery of sources of infection. The local board shall use all reasonable means to ascertain the existence of any case of venereal disease within its jurisdiction. It shall investigate any case or suspected case that is not under the care of a reputable physician, and shall ascertain so far as is possible every source of infection and every exposure to infection.

Source. L. 1918, c. 253, par. 5, p. 961 (1924 Suppl., par. 89-273i).

26:4-34. Duty of attending physician. The physician in attendance upon a person having an infectious* venereal disease, or suspected of having such disease, shall instruct the person in the precautionary measures for preventing the spread of the disease and the necessity for systematic and prolonged treatment. He also shall furnish to the person printed instructions for preventing infection, to be supplied to the physician by the state department on request.

Source. L. 1918, c. 253, par. 6, p. 962 (1924 Suppl., par. 89-273m), as am. by L. 1933, c. 261, par. 3, p. 702.

26:4-35. Examination and isolation of infected person failing to report to attending physician. If a person in the infectious* stage of a venereal disease shall fail to report as directed to the physician in attendance on him for treatment, the physician shall report such failure to the local board, or to the state department which shall forward the information to the local board.

The local board may require such person to be examined as provided in sections 26:4-30 and 26:4-31 of this title. If upon examination the person is found to be suffering from a venereal disease in its infectious* stage and does not present evidence to show that he is being regularly treated by a reputable physician for the disease, he shall be isolated as described in sections 26:4-36 and 26:4-37 of this title.

Source. L. 1918, c. 253, par. 6, p. 962 (1924 Suppl., par. 89-273m), as am. by L. 1933, c. 261, par. 3, p. 702.

26:4-36. Quarantine; release. Quarantine for venereal disease has the purpose of preventing transmission of venereal diseases and shall mean and include, restriction of the actions, behavior and movements of a person or confinement to a defined place and area.

A local board or health officer or any physician shall report to the state department, and any licensed health officer or the state director of health or the authorized representative of either may quarantine for venereal disease the following persons:

a. Any person who has or who is believed upon reasonable grounds to have a venereal disease in its infectious stage, if he is likely to spread the disease to others by reason of his failure or refusal to submit to treatment or by reason of his habits, or for any other reason.

* See p. 20, for definition of "infectious."

b. Any person who refuses or neglects to submit to a medical examination for venereal disease required under authority of any section of this article.

c. Any person who refuses or neglects to supply, or to permit to be taken, the specimens required or requested under authority of any section of this article.

d. Any person who refuses or neglects to submit to treatment for a venereal disease in an infectious stage.

Such quarantine shall continue until the infected person is free from the disease or until such time as in the judgment of the health officer or his authorized representative who established the quarantine or by the state director or his authorized representative, it shall be safe for such infected person to be released from quarantine.

Any person included in paragraphs b, c or d of this section shall be liable to the penalty provided in section 26:4-49 in addition to the imposition of the penalty prescribed by section 26:4-129.

Source. L. 1945, c. 104, §3, p. 449. Approved April 7, 1945, effective immediately.

26:4-37. Restrictions; removal; complaint for non-compliance; determination. In establishing quarantine for venereal disease, the licensed health officer or the state director of health, or the authorized representative of either shall by notice in writing define the restriction of the actions, behavior and movements of the person or the place and the limits of the area within which the person is to be quarantined. Such person while so quarantined shall observe and obey said notice restricting his actions, behavior and movements or remain within the place and area defined by said health officer, director or representative in said notice. The custodian, if any, of such person shall safely keep and confine said person and said notice shall be sufficient warrant and authorization therefor.

Whenever a licensed health officer or the state director of health or the authorized representative of either shall quarantine any person for venereal disease under authority of this article, he may also order the removal of such person to the place and area within which the person is to be quarantined for venereal disease, and the person shall proceed to such place at the time and in the manner specified.

A licensed health officer or the state director of health or the authorized representative of either one of them may file a complaint with any district court in any city or judicial district, any justice of the peace in any county, any police justice or recorder in any municipality or the court of common pleas in the county against the following persons:

a. Any person, who while quarantined for venereal disease fails, refuses or neglects to observe and obey said notice restricting his actions, behavior and movements, or to remain within the place and area defined by said health officer, director or representative or to proceed to a place for quarantine for venereal disease at the time and in the manner specified by said health officer, director or representative.

b. Any person who fails, refuses or neglects to submit to, observe or obey the conditions of any commitment or to comply with any order made by any district court in any city or judicial district, a justice of the peace in any county, any police justice or recorder in any municipality or the court of common pleas in the county under authority of this article.

c. Any of the persons included in section 26:4-36 of this article.

The complaint shall be by affidavit setting forth the section violated and the reasons for filing said complaint.

Upon filing the said complaint either a summons shall issue commanding the person to appear before the court, justice of the peace, police justice or recorder at a specified time or a warrant shall issue, returnable forthwith, directed to the sheriff or any constable in the county, or any police officer, commanding him to bring the person named in the complaint before said court, justice of the peace, police justice or recorder.

Upon the return of the summons or warrant the court, justice of the peace, police justice or recorder shall proceed to hear and determine the matter in a summary way and without a jury. If the court, justice of the peace, police justice or recorder finds that the person is one of those listed in this section against whom a complaint may be filed, he may commit such a person to a state, county, or municipal hospital which will receive the person, or to any other place or institution suitable for and willing to receive the person for detention, examination, care and treatment, whether the hospital, place or institution be located within or without the county, or to the county jail or may make any order for the examination, care or treatment of said person which may be deemed proper under the circumstances.

The complaint, commitment, and all other papers relating to the case shall be impounded and shall not be open to public inspection, and hearings shall not be open to the public.

Any person committed under the provisions of this statute shall be held in the place to which committed until discharged by the court, justice of the peace, police justice or recorder who heard the case or by the judge of the court of common pleas of the county from which the person is committed or by a justice of the supreme court, or by order of the director of the state department of health.

The local health officer having jurisdiction shall report to the state department any person quarantined for venereal disease, or upon whom a summons is served or against whom a warrant is issued under authority of this article except where the action is initiated by the state director of health or his authorized representative.

Source. L. 1945, c. 104, §4, p. 450. Approved April 7, 1945, effective immediately.

26:4-38. Report of private cases to state department. The physician, nurse, or other person treating a venereal disease shall report the case immediately to the state department.*

Source. L. 1917, c. 232, par. 2, p. 788 (1924 Suppl., par. 89-10), suppl. to L. 1915, c. 288, p. 517.

26:4-39. Report of institutional cases to state department. The physician, superintendent, or other person having control or supervision over any state, county, or municipal hospital, sanatorium, or other public or private institution shall report the following cases to the state department immediately after they are received into the institution:*

a. The case of any person infected with a venereal disease, who enters the institution to receive care or treatment for the venereal disease.

* Report cards are supplied by the State Department of Health. Some municipalities have local ordinances requiring reporting to the local board of health also.

b. The case of any person suffering from any other disease, who enters the institution to receive care or treatment for that disease, but who is found also to be infected with a venereal disease.

Source. L. 1917, c. 232, par. 1, p. 787 (1924 Suppl., par. 89-1n), suppl. to L. 1915, c. 288, p. 517.

26:4-40. Contents of report. The report required by sections 26:4-38 and 26:4-39 of this title shall contain the following information:

a. Name, address, color, sex, nationality, and the age as nearly as practicable, of the person so infected with a venereal disease;

b. Character of the disease;

c. Probable source of infection; and

d. Whether the case has been previously reported or not; and if it has been reported, when, where, and by whom it was reported.

Sources. L. 1917, c. 232, paragraphs 1, 2, pages 787, 788 (1924 Suppl., paragraphs 89-1n, 89-1o), suppl. to L. 1915, c. 288, p. 517.

26:4-41. Disclosure forbidden*; inspection in certain cases. No person shall disclose the name or address or the identity of any person known or suspected to have a venereal disease except to the person's physician or to a health authority, or, in the event of a prosecution under this article or under the criminal law of this state, to a prosecuting officer or to the court; provided, however, that the person's physician or a health authority may disclose the name, address or identity of such person when and only when the physician or health authority shall deem such disclosure necessary in order to protect the health or welfare of the person or of his family or of the public; and provided further, that nothing herein shall be construed as in any way restricting such disclosures to the state department of health.

Documents, records or reports which contain or would reveal the name, address or identity of a person known or suspected to have a venereal disease or treated for such a disease shall not be open to inspection except by an authorized representative of the state department of health or, in the event of a prosecution under this article or under the criminal laws of this state, by a prosecuting officer or the court; provided, however, that the custodian of any such documents, records or reports may permit inspection of them by a licensed physician or a health official whenever said custodian shall deem such inspection necessary in order to protect the health or welfare of the person or of his family or of the public.

Source. L. 1945, c. 103, §1, p. 446. Approved April 7, 1945, effective immediately.

26:4-42. Occupations forbidden infected persons. No person having a venereal disease in the infectious stage shall:

a. Engage in the nursing or care of children** or of the sick;

b. Engage in the preparation, manufacture or handling of milk, milk products or other foodstuffs;

* The confidential nature of venereal disease information has been observed strictly by the State Department of Health, acting on the advice of the Attorney-General. Reports cannot be subpoenaed in civil suits, such as divorce proceedings.

** An outbreak of gonorrheal vaginitis in a child-caring institution caused a local board of health to enact a local ordinance requiring the examination for gonorrhea and syphilis of children placed in orphanages or boarding homes and all persons employed in the care of such children. This local ordinance has been strictly enforced for several years and has been an effective instrument in the control program of that community.

c. Work or be permitted to work in any dairy, creamery, milk depot or other place where milk or its products are produced, manufactured or sold, or in any other establishment where foods are exposed or handled;

d. Engage in any other occupation of such a nature that his infection may be transmitted to others; or

e. Conduct himself in such a manner as to expose others to infection.

Source. L. 1918, c. 253, par. 4, p. 961 (1924 Suppl., par. 89-273k).

26:4-43. Permit to remove from district. No person having a venereal disease in the infectious stage shall be removed, nor shall such person move from the jurisdiction of one local board to the jurisdiction of another without first securing the permission of the local board of the place from which the removal is to be made or from the state department.

Source. L. 1918, c. 253, par. 8, p. 962 (1924 Suppl., par. 89-273o).

26:4-44. Information required for permit. Before a permit shall be granted, it must be shown:

a. That removal of the infected person can and will be made without endangering the health of others; and

b. That the infected person agrees to place himself under the care of a reputable physician who shall be named in the application for the permit.

Source. L. 1918, c. 253, par. 8, p. 962 (1924 Suppl., par. 89-273o).

26:4-45. Report of issuance of permit. The local board or state department issuing the permit shall report to the local board having jurisdiction of the place to which the infected person intends to go:

a. The name of the infected person;

b. The address to which he intends to go; and

c. The name and address of the physician by whom he will be treated.

Source. L. 1918, c. 253, par. 8, p. 962 (1924 Suppl., par. 89-273o).

26:4-46. Free treatment by local board. Any person suffering from a venereal disease in the infectious stage and who is unable to pay for treatment may apply for care and treatment to the local board having jurisdiction of the place in which he resides. If the board after investigation finds that the person is in fact unable to pay for treatment, it shall be provided without cost.

Source. L. 1918, c. 253, par. 9, p. 963 (1924 Suppl., par. 89-273p).

26:4-47. Free diagnosis and treatment by state department. The state department shall:

a. Provide facilities for the free bacteriological examination of discharges for the diagnosis of gonorrheal infections;

b. Provide, at cost, vaccines or antitoxins for the treatment of such infections;

c. Make, at the expense of the state, the Wassermann or other approved tests or examine smears for the diagnosis of syphilis; and

d. Furnish the treatment known as "Salvarsan" or other accredited specific treatment at cost.

Diagnosis and treatment shall not be furnished until the data required for the registration of the case have been furnished by the physician, nurse, or institution treating the patient.

Source. L. 1917, c. 232, par. 4, p. 789 (1924 Suppl., par. 89-1q), suppl. to L. 1915, c. 288, p. 517.

26:4-48. Rules of state department; powers. The state department shall make and enforce any rule or regulation for the quarantining and treatment of a venereal disease which it may deem necessary for the protection of the public health.

The state department of health shall by rule and regulation define the stages of venereal diseases to be regarded as infectious within the meaning of this article.

The state director of health or any person or official authorized by him in writing for that purpose shall have the same power and authority as that conferred by any section or sections of this article upon any local board of health or health officer for the purposes of isolation or quarantine or to require or request examinations or submissions of specimens or treatment, observation or care for venereal diseases.

Source. L. 1945, c. 104, §5, p. 452. Approved April 7, 1945, effective immediately.

26:4-48.1.* Requirement optional with member of church opposed to medical treatment. In any quarantine for venereal disease or any commitment or court order imposed by authority of this act (R. S. Cum. Supp. 26:4-27, 26:4-28, 26:4-36, 26:4-37, 26:4-48, 26:4-48.1) upon any person who, since immediately prior to the onset of the person's infection with a venereal disease, has been continuously a member of a well-recognized church, the principles of which are opposed to medical treatment for disease, any requirement to follow a course of medical treatment shall be optional, but in such case the termination of the period of quarantine, commitment or applicability of the court order shall be determined by the duration of the infectious stage of the disease, as defined by the state department of health; provided, however, that nothing herein shall be construed as exempting any such person from any other provision of this act (R. S. Cum. Supp. 26:4-27, 26:4-28, 26:4-36, 26:4-37, 26:4-48, 26:4-48.1), including the requirements to submit to medical examination and to supply specimens or permit such specimens to be taken, where such person has or there are reasonable grounds to believe such person may have a venereal disease in an infectious stage.

Source. L. 1945, c. 104, §6, p. 452. Approved April 7, 1945, effective immediately.

26:4-49. Additional penalty for second offense. In case a defendant shall have been twice convicted, within the space of six months, of the violation of the same provision of this article and due proof of such fact is made, the district court, justice of the peace, police court or recorders' court may, in addition to the imposition of the penalty prescribed by section 26:4-129 of this title, cause the defendant to be imprisoned, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty.

Source. L. 1918, c. 253, par. 10, p. 963 (1924 Suppl., par. 89-273q).

* Careful study of this section reveals that it does not weaken the laws relating to venereal diseases. Persons known or suspected to have infectious venereal disease are still required to submit either to examination and treatment or to quarantine, regardless of their religion.

PRENATAL EXAMINATION*

26:4-49.1 Pregnant women; blood test for syphilis. Every physician attending pregnant women in the state for conditions relating to their pregnancy during the period of gestation and/or at delivery shall, in the case of every woman so attended, take or cause to be taken a sample of blood of such woman at the time of first examination, and shall submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend pregnant women in the state, but not permitted by law to take blood samples, shall cause a sample of blood of such pregnant women to be taken by a physician duly licensed to practice medicine and surgery and have such sample submitted to an approved laboratory for a standard serological test for syphilis.

Source. L. 1938, c. 41, par. 1, p. 116. Approved March 30, 1938, effective January 1, 1939.

Cross Reference. Premarital syphilis test, see sections 37:1-20 to 37:1-27 (p. 14).

26:4-49.2. Blood test; supervision. For the purpose of this act (sections 26:4-49.1 to 26:4-49.3) a standard serological test shall be a test for syphilis approved by the director of health of New Jersey, and shall be made at a laboratory approved to make such tests by the director of health of New Jersey. Such laboratory tests as are required by this act (sections 26:4-49.1 to 26:4-49.3) shall be made on request without charge at the department of health of the state of New Jersey.

Source. L. 1938, c. 41, par. 2, p. 116. Approved March 30, 1938, effective January 1, 1939.

26:4-49.3. Birth certificate; report of blood test. In reporting every birth and stillbirth, physicians and others required to make such reports shall state on the certificate whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed and the approximate date when the specimen was taken.

Source. L. 1938, c. 41, par. 3, p. 117. Approved March 30, 1938, effective January 1, 1939.

MIGRANT LABORERS

26:4-49.5. "Migrant laborer" defined. For the purpose of this act (R. S. Cum. Supp. 26:4-49.5 and 26:4-49.6) "migrant laborer" shall mean any seasonal, temporary or migrant worker entering New Jersey and living in a tent, vehicle, building or structure used as living quarters directly or indirectly in connection with any work or place where work is being performed, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

Source. L. 1945, c. 102, §1, p. 445. Approved April 7, 1945, effective immediately.

26:4-49.6. Examination of migrant laborers; notice by employer. Any migrant laborer who cannot show satisfactory evidence of examination for

* A letter was received from the Attorney-General's office under date of October 13, 1942 in reference to the prenatal law (26:4-49.1, 49.2 and 49.3) as follows: "Chapter 41, P. L. 1938 was passed after the Revision of Statutes of 1937 and is neither an amendment of nor supplement to Chapter 4 of Title 26. Consequently, the penalty provisions of R. S. 26:4-129 (p. 13) would not apply to this act."

"Since Chapter 41, P. L. 1938 itself does not provide a penalty for violation thereof, I am of the opinion that you may not institute any action for the recovery of a penalty for violation of this statute."

syphilis, gonorrhea and other venereal diseases having been performed by a health department or licensed physician within ninety days prior to entry into New Jersey shall submit to such examination as prescribed by the state department of health within thirty days after such entry. Said examination shall be performed by a duly licensed physician chosen by the migrant laborer or provided by the state department of health.

Any person who shall employ one or more migrant laborers shall notify the state department of health within five days of the commencement of such employment whether such person or persons have been examined as required by this section.

Source. L. 1945, c. 102, §2, p. 446. Approved April 7, 1945, effective immediately.

COURTS

26:4-49.7. Order to person coming before court to submit to medical examination; treatment. When it appears to any criminal judicial district court, any justice of the peace in any county, any police justice or recorder in any municipality, the court of oyer and terminer, court of quarter sessions, court of special sessions, or the court of common pleas in the county, from the evidence or otherwise, that any person coming before such court on any charge, may have a venereal disease in an infectious stage, it shall be the duty of such court, justice of the peace, police justice or recorder to order the person to submit to a medical examination for venereal diseases, in a jail or at a hospital or clinic or by such physician as may be selected or appointed for the purpose, and if found to have a venereal disease in an infectious stage to submit to treatment in such jail, hospital or clinic or by such officer or to other treatment permitted under the medical practice act.

Source. L. 1945, c. 101, §1, p. 444. Approved April 7, 1945, effective immediately.

INSTITUTIONS

26:4-49.8. Medical examination of person confined to institution; notice to state department. The warden or other person in charge of any jail, house of correction, or other penal or correctional institution shall require and cause a medical examination for venereal diseases to be made of any person therein confined for a period of seven days or longer and such warden or other person in charge may require such examination to be made of any person therein confined for a shorter period of time. The superintendent or other person in charge of any detention or contagious disease hospital, or any state, county or city charitable institution shall require and cause a medical examination for venereal diseases to be made of all persons admitted as soon as practicable after admission. Any board or agency operating such jail or institution shall provide a physician licensed to practice medicine and suitable facilities, equipment and supplies to examine inmates for venereal disease and to treat any inmate who is known or found to have a venereal disease and who is in need of treatment. The warden, superintendent or other person in charge of such jail or institution may isolate any inmate who refuses to submit to such examination or who refuses to permit the taking of specimens or any inmate with an infectious venereal disease. If a person has a venereal

disease or if any person has refused to submit to examination or to allow specimens to be taken, the warden, superintendent or other person in charge shall notify the state department and may also notify the local health officer of the expected date of release of such person and the facts of the case. Such notification shall be made, if possible, at least five days prior to the actual date of release, and shall be made not later than the day following the date of release in any case.

Source. L. 1945, c. 101, §2, p. 444. Approved April 7, 1945, effective immediately.

OPHTHALMIA NEONATORUM

As an inflammatory condition in the eyes of the newborn may be due to gonococcal infection, the laws pertaining to ophthalmia neonatorum are included here. In this state the use of silver nitrate in the eyes of the newborn, as a prophylactic measure, has been brought about through education rather than through mandatory legislation.

26:4-73. Duty to report to local board. Whenever one or both eyes of an infant become inflamed, swollen or reddened, or show any unnatural discharge at any time within two weeks after its birth, and no licensed practitioner of medicine is in attendance upon the infant at the time, the midwife, nurse, attendant or relative having charge of such infant shall report the fact in writing, within six hours, to the local board of health having jurisdiction over the locality in which the parents of the infant reside.

Source. L. 1895, c. 118, par. 1, p. 262 (C. S., p. 2733, par. 274).

26:4-74. Compulsory treatment. Upon receipt of such report the local board shall direct the parents or persons having charge of such infant to place the infant immediately under the care of a licensed physician, or under the care of the physician of the local municipal government of the locality over which the local board has jurisdiction, if the parents are unable to pay for medical services.

Source. L. 1895, c. 118, par. 2, p. 263 (C. S., p. 2733, par. 275).

26:4-75. Distribution of copies of law. The local board shall furnish a copy of this article to every licensed physician, nurse, and midwife, and any other person deemed proper by the local board in the locality over which the board has jurisdiction, and the state department shall cause a sufficient number of such copies to be printed to supply each local board with the necessary quantity.

Source. L. 1895, c. 118, par. 3, p. 263, as am. by L. 1910, c. 147, par. 1, p. 250 (C. S., p. 2733, par. 276).

26:4-76. Free remedies. The state department shall furnish, free of cost, to a licensed physician or midwife, any prophylactic remedy which it deems best for the prevention of ophthalmia neonatorum, together with instructions which it considers necessary for the proper administration of the same.

Source. L. 1911, c. 96, par. 1, p. 145 (1924 Suppl., par. 89-277a), suppl. to L. 1895, c. 118, p. 262.

26:4-77. Violations; penalty; recovery. Any person who violates any of the provisions of this article shall be liable to a penalty of fifty dollars

to be recovered in an action at law by the local board of the municipality in which the violation occurs.

Source. L. 1895, c. 118, par. 4, p. 263, as am. by L. 1910, c. 147, par. 2, p. 251 (C. S., p. 2733, par. 277).

PENALTIES; RECOVERY

26:4-129. Liability to penalties in general. Except as otherwise specifically provided in this chapter, a person who violates any of the provisions of this chapter [26:4], or fails to perform any duty imposed by this chapter at the time and in the manner provided, shall be liable to a penalty of not less than ten nor more than one hundred dollars for each offense.

Source. L. 1895, c. 260, paragraphs 1, 2, pages 493, 494 (C. S., pages 2723, 2724, paragraphs 247, 248), as am. by L. 1911, c. 381, paragraphs 1, 2, pages 786, 788 (1924 Suppl., paragraphs 89 247, 89 248). L. 1895, c. 260, paragraphs 3, 4, page 495 (C. S., p. 2725, paragraphs 249, 250). L. 1911, c. 380, par. 3, p. 786 (1924 Suppl., par. 89 251e), suppl. to L. 1895, c. 260, p. 493. L. 1912, c. 131, paragraphs 1, 2, pages 192, 193 (1924 Suppl., par. 89 251d, 89 251e), suppl. to L. 1895, c. 260, p. 493. L. 1917, c. 232, paragraphs 1, 2, pages 787, 788 (1924 Suppl., paragraphs 89 1n, 89 1o), suppl. to L. 1915, c. 288, p. 517. L. 1918, c. 253, par. 10, p. 963 (1924 Suppl., par. 89-273q).

26:4-130. Procedure for recovery of penalties. Except as otherwise specifically provided in this chapter, any penalty incurred for a violation of any of the provisions of this chapter shall be sued for and recovered by the state department, or by the local board of the municipality within which the violation occurred.

Every district court in any city or judicial district, and every justice of the peace in any county, and any police justice or recorder in any municipality may, on oath or affirmation made according to law that a person has violated a provision of this chapter, issue process either in the nature of a summons or warrant against the person so charged. Such process when in the nature of a warrant shall be returnable forthwith and when in the nature of a summons shall be returnable in not less than one nor more than ten days, and shall state what provision of this chapter is alleged to have been violated.

On the return of such process or at any time to which the trial shall have been adjourned, the court, justice of the peace, police justice or recorder shall proceed to hear the testimony and determine and give judgment in the matter without the filing of any pleadings.

If judgment be rendered for the plaintiff, execution shall forthwith issue against the goods and chattels and person of the defendant.

Said court, justice of the peace, police judge or recorder may cause any defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for any period not exceeding ninety days.

No district court, justice of the peace, police judge or recorder shall have jurisdiction of any violation of this chapter which shall take place outside of the territorial jurisdiction of such court, justice of the peace, police judge or recorder, as such territorial jurisdiction is now or may hereafter be established.

The officers to serve and execute any process issued out of any court or by any magistrate under this section shall be the officers authorized by law to serve and execute process in such courts and before such magistrates and officers, including constables and police officers.

The costs taxable in any such proceedings shall be the same costs as are taxable in other proceedings in such courts or before such magistrates, as the case may be.

All moneys recovered in any such proceedings shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

Sources. L. 1895, c. 260, par. 5, p. 496, as am. by L. 1898, c. 101, par. 1, p. 162 (C. S., p. 2725, par. 251). L. 1911, c. 380, par. 3, p. 786 (1924 Suppl., par. 89-251c), suppl. to L. 1895, c. 260, p. 493. L. 1915, c. 339, par. 1, p. 619 (1924 Suppl., par. 81-153D(1)). L. 1918, c. 209, par. 3, p. 761 (1924 Suppl., par. 89-251h), suppl. to L. 1895, c. 260, p. 493. L. 1918, c. 253, par. 10, p. 963 (1924 Suppl., par. 89-273q).

Title 37. MARRIAGES AND MARRIED PERSONS

PREMARITAL LAW

The premarital law enacted in 1938 requires a blood test for syphilis and a physician's certificate of both applicants for a marriage license.

37:1-20. Applicant for marriage license to file certificate stating freedom from syphilis. Before any person, who now is or may hereafter be authorized by law to issue marriage licenses, shall issue any such license, each applicant therefor shall file with him a certificate from a qualified physician which certificate shall state that the applicant has submitted to a Wassermann or Kahn or other similar standard laboratory blood test and that, in the opinion of such physician, the person either is not infected with syphilis or is not in a stage of that disease which may become communicable.*

Source. L. 1938, c. 126, par. 1, p. 261. Approved May 3, 1938, effective July 1, 1938.

37:1-21. Information on certificate. The above mentioned certificate shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such reports, setting forth the name of the test, the date it was made, the name and address of the physician to whom the report was sent, and the name and address of the person whose blood was tested.

Source. L. 1938, c. 126, par. 2, p. 261. Approved May 3, 1938, effective July 1, 1938.

37:1-22. Form of certificate used. The above mentioned certificate of physician and statement of person authorized to make reports for the laboratory shall be on a form to be provided and distributed by the department of health of the state of New Jersey to all officers authorized to issue marriage licenses and to approved laboratories in the state. This form is hereinafter referred to in this act (article) as "the certificate form."

Source. L. 1938, c. 126, par. 3, p. 261. Approved May 3, 1938, effective July 1, 1938.

37:1-23. Standard laboratory blood test; when made. For the purpose of this act (article) a standard laboratory blood test shall be a test for syphilis approved by the director of health of New Jersey, and shall be made at a laboratory approved to make such tests by the director of health of New Jersey. Such laboratory tests as are required by this act (article) shall be made on request without charge at the department of health of

* It is emphasized that many people with positive blood tests are not in a communicable stage and are eligible for marriage under this law.

the state of New Jersey. To be valid such test shall be made not more than thirty days before the issuance of the marriage license to which it applies.

Source. L. 1938, c. 126, par. 4, p. 262. Approved May 3, 1938, effective July 1, 1938.

37:1-24. Certificate form to be attached to marriage license. Before the licensing officer issues any marriage license he shall attach thereto the above mentioned certificate form of each applicant. No minister or other person authorized to perform marriage ceremonies in New Jersey shall perform any such ceremony unless the certificate form of each party is attached to the marriage license, and they shall remain so attached until the marriage certificate is filed with the state bureau of vital statistics.

Source. L. 1938, c. 126, par. 5, p. 262. Approved May 3, 1938, effective July 1, 1938.

37:1-25. Penalty for noncompliance. Any applicant for a marriage license, physician, or representative of a laboratory who shall misrepresent any of the facts called for by "the certificate form" prescribed by this act (article); or any licensing officer who shall fail to receive "the certificate forms," or who shall have reason to believe that any of the facts thereon has been so misrepresented, and shall nevertheless issue a marriage license; or any person who shall otherwise fail to comply with the provisions of this act (article) shall be subject to a penalty of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), to be recovered with costs, in an action of debt by and in the name of the local board of health of the municipality where the marriage license was issued, or by and in the name of the department of health of the state of New Jersey.

Source. L. 1938, c. 126, par. 6, p. 262. Approved May 3, 1938, effective July 1, 1938.

37:1-26. Construction. Nothing in this act (article) herein contained shall be construed to repeal the provisions of Title 37, chapter one, section five of the Revised Statutes, which provides for immediate marriage, in cases of criminal charges.*

Source. L. 1938, c. 126, par. 7, p. 263. Approved May 3, 1938, effective July 1, 1938.

37:1-27. Effect. All acts and parts of acts inconsistent herewith are hereby repealed, and this act (article) shall take effect July first, one thousand nine hundred and thirty-eight.

Source. L. 1938, c. 126, par. 8, p. 263. Approved May 3, 1938, effective July 1, 1938.

Title 2. ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE MARRIAGE

The section which follows is a part of the first venereal disease control law to be enacted in New Jersey but has had little practical value because it does not provide for medical examination. It is quoted because it is the only law concerned with the marriage of persons infected with gonorrhea. The pre-marital law of 1938 (pp. 14, 15) applies to syphilis only, and places upon the examining physician the responsibility of deciding whether or not it is safe for the syphilitic to marry.

* 37:1-5. If a person is arrested upon a criminal charge, involving an accusation of bastardy, rape, fornication or of having had carnal knowledge of an unmarried female, and the accused person consents to marry such female the marriage may be performed immediately after obtaining a marriage license.

2:150-1. Marriage of diseased person. Any person who, knowing himself or herself to be infected with a venereal disease such as chancroid, gonorrhea, syphilis or any of the varieties or stages of such diseases, shall marry, shall be guilty of a misdemeanor.

Source. L. 1917, c. 23, par. 1, p. 52 (1924 Suppl., par. 52-50a), suppl. to L. 1898, c. 235, p. 794.

PROSTITUTION

Probably the most constructive action against uncooperative infectious prostitutes is commitment to a State institution on an indeterminate sentence for medical treatment and rehabilitation. In 1924 the Attorney-General advised the State Department of Health that in his opinion the law enacted in 1922 is the most satisfactory under which to proceed. This law follows immediately, as sections 1 and 2 of Chapter 158. Other laws regarding prostitution follow sections 1 and 2.

The definition of prostitution in the next paragraph is applicable to the male as well as the female.

2:158-1. "Prostitution" defined. The term "prostitution," as used in this chapter, shall include the giving or receiving of the body for sexual intercourse for hire, and the giving or receiving of the body for indiscriminate sexual intercourse without hire.

Source. L. 1922, c. 240, par. 2, p. 420 (1924 Suppl., par. 52-51b), suppl. to L. 1898, c. 235, p. 794.

2:158-2. Soliciting, procuring or engaging in prostitution; keeping, occupying or permitting use of place for prostitution. Any person who shall:

a. Keep, set up, maintain, or operate any place, structure, building, vehicle, or conveyance for the purpose of prostitution, lewdness or assignation; or

b. Occupy any place, structure, building, vehicle or conveyance for the purpose of prostitution, lewdness or assignation, or permit any place, structure, building, vehicle or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness, or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;

c. Receive, or invite by gesture or otherwise, or offer or agree to receive any person into any place, structure, building, vehicle or conveyance for the purpose of prostitution, lewdness, or assignation, or permit any person to remain there for such purpose; or

d. Direct, take, or transport, or offer or agree to take or transport, any person to any place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation; or

e. Procure or solicit or offer to procure or solicit for the purpose of prostitution, lewdness, or assignation; or

f. Reside in, enter, or remain in any place, structure, or building, or enter or remain in any conveyance, or vehicle, for the purpose of prostitution, lewdness or assignation; or

g. Engage in prostitution, or assignation or knowingly aid or abet prostitution, lewdness, or assignation—

Shall be guilty of a misdemeanor.

Source. L. 1922, c. 240, par. 1, p. 419 (1924 Suppl., par. 52-51a), suppl. to L. 1898, c. 235, p. 794.

2:158-3. Taking, placing, harboring or enticing female into house of prostitution. Any person who takes, places, harbors, enveigles, entices, persuades, encourages, either by threats or promises, or by any device or scheme takes or places or causes to be placed or taken any female into a house of ill fame or of assignation, or elsewhere, against her will, for the purpose of prostitution or illegal sexual intercourse, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 1, p. 24 (C. S., p. 1760, par. 47a), suppl. to L. 1898, c. 235, p. 794.

2:158-4. Compelling prostitution or immorality. Any person who shall compel a female to reside with him or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel a female to live a life of prostitution, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 2, p. 24 (C. S., p. 1760, par. 47b), suppl. to L. 1898, c. 235, p. 794.

2:158-5. Placing female in custody of another for immoral purposes. Any person who shall place any female in the charge or custody of any person for immoral purposes, or in a house of prostitution, with intent that she shall live a life of prostitution, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 2, p. 24 (C. S., p. 1760, par. 47b), suppl. to L. 1898, c. 235, p. 794.

2:158-6. Procuring female for house of prostitution. Any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 3, p. 24 (C. S., p. 1760, par. 47c), suppl. to L. 1898, c. 235, p. 794.

2:158-7. Forcing prostitution of wife. Any person who, by force, fraud, intimidation or threats, places or leaves or procures any other person to place or leave his wife in a house of prostitution or to lead a life of prostitution, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 4, p. 25 (C. S., p. 1760, par. 47d), suppl. to L. 1898, c. 235, p. 794.

2:158-8. Accepting earnings of prostitution. Any person who knowingly receives any money or other valuable thing, without actual and bona fide consideration, from the earnings of any female engaged in prostitution, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 5, p. 25 (C. S., p. 1760, par. 47e), suppl. to L. 1898, c. 235, p. 794.

2:158-9. Parent or guardian consenting to taking of female for prostitution. Any person who, being parent or guardian or having legal charge of the person of a female, consents to her taking or detention by any person for the purpose of prostitution or illegal sexual intercourse, shall be guilty of a high misdemeanor.

Source. L. 1910, c. 10, par. 1, p. 24 (C. S., p. 1760, par. 47a), suppl. to L. 1898, c. 235, p. 794.

2:158-10. Attempting to detain female because of debt. Any person who attempts to detain a female in a disorderly house or house of prostitution because of any debt she has contracted, or is said to have contracted, while living in said house, shall be guilty of a high misdemeanor.
Source. L. 1910, c. 10, par. 6, p. 25 (C. S., p. 1761, par. 47f), suppl. to L. 1898, c. 235, p. 794.

2:158-11. Permitting immoral relations with female under eighteen. Any person who shall permit, suffer or procure any female under the age of eighteen years, whether single or married, with or without her consent, to be carnally abused by another; or to be used for immoral purposes by another, in any house, room or place, public or private, kept by or under the control or management of such person, shall be guilty of a high misdemeanor.

Source. L. 1898, c. 235, par. 117, p. 826, as am. by L. 1906, c. 65, par. 1, p. 95 (C. S., p. 1784, par. 117), L. 1921, c. 22, par. 1, p. 43 (1924 Suppl., par. 52-117).

2:158-12. Transporting female for purpose of prostitution; venue of offense. Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, through or across this state, any female for the purpose of prostitution or with intent and purpose to induce, entice or compel such female to become a prostitute, shall be guilty of a high misdemeanor.

Any person who shall commit the offense mentioned in this section may be prosecuted, indicted, tried and convicted in any county in or through which the female was transported or attempted to be transported.

Source. L. 1910, c. 10, par. 7, p. 25 (C. S., p. 1761, par. 47g), suppl. to L. 1898, c. 235, p. 794.

TRANSMISSION OF VENEREAL DISEASE

2:159-3. Diseased person having intercourse. Any person who, while infected with a venereal disease such as chancroid, gonorrhea, syphilis or any of the varieties or stages of such diseases, has sexual intercourse, shall be guilty of a misdemeanor.

Source. L. 1917, c. 23, par. 2, p. 52 (1924 Suppl., par. 52-50b), suppl. to L. 1898, c. 235, p. 794.

SENTENCE AND IMPRISONMENT

In the interpretation of the following law Clinton Farms is considered (for adult female offenders) to be "an appropriate institution within this State for examination, study, and classification." That institution has excellent facilities for rehabilitation.

2:192-1. Time for imposing sentence; resentence. In all criminal cases where sentence is by law to be imposed, it shall be the duty of the trial court to impose sentence upon a defendant within forty-five days after such defendant shall have been convicted of or shall have pleaded guilty to the commission of a crime, except that, where a sentence has been opened and vacated it shall be the duty of the court, except when a new trial is granted, to resentence the defendant within ten days after the opening and vacation of such sentence.

2:192-1.2. Examination of defendants before sentence. Every judge, before imposing sentence upon a defendant, may order an examination of the mental and physical condition of such defendant and an investigation of his environment by a clinic organized in the county wherein such sentence is to be imposed or may send the defendant to an appropriate institution within this state for examination, study and classification.

Nothing in this section contained shall be construed to in any way affect or repeal the provisions of either section 2:185-5 or section 2:195-24 of this title. Sources. L. 1935, c. 241, para. 3, 4, p. 752, suppl. to L. 1898, c. 237, p. 866.

Note: Section 2:192-1 Revised 1/11/44 changing period from 45 days to 90 days.

Nothing in this section contained shall be construed to in any way affect or repeal the provisions of either section 2:185-5 or section 2:195-24 of this title.

Sources. L. 1935, c. 241, par. 2, 4, p. 752, suppl. to L. 1898, c. 237, p. 866.

2:192-1.2. (see insert)

CERTAIN DISORDERLY PERSONS ENUMERATED

In prosecutions under Chapter 158 (pp. 16, 17, 18) the defendant must be held for grand jury action, and convicted persons may be sentenced to a reformatory. Under Chapter 202, however, grand jury action is unnecessary, but convicted persons may be committed only to a local jail.

A person tried for prostitution under one chapter may not be retried under the other for the same offense ("Double jeopardy").

2:202-3. **Common drunkards and prostitutes; runaway apprentices.** All runaway servants or apprentices, and all vagrants, vagabonds, common drunkards, common thieves, burglars or pickpockets, common nightwalkers and common prostitutes shall be adjudged disorderly persons.

Source. L. 1898, c. 239, §1, p. 942 (C. S. p. 1926, §1), as am. by L. 1928, c. 95, §1, p. 202.

2:202-4. **Soliciting unlawful sexual or indecent acts.** Any person who shall, by word, act, sign or any device, invite or solicit unlawful sexual intercourse, or any other unlawful, indecent, lewd or lascivious act, shall be adjudged a disorderly person.

Source. L. 1930, c. 205, §1, p. 966, suppl. to L. 1898, c. 239, p. 942.

(Also, Section 2:202-16 is occasionally used.)

REGULATION DEFINING INFECTIOUS STAGES

Adopted by State Department of Health on April 9, 1945 under authority of Section 26:4-48 (p. 9).

RESOLVED, That the following persons shall be regarded as having or suffering from a venereal disease in its infectious stage or in a stage which may become communicable within the meaning of Section 26:4-29 of the Revised Statutes and within the meaning of all other Statutes of New Jersey and Regulations and Resolutions of the State Department of Health relating to venereal diseases:

1. A person who has a chancre or any secondary syphilitic lesion of the skin or mucous membranes.
2. Any other person with syphilis unless
 - a. There is reasonable evidence that the infection is of more than four years' duration, or unless
 - b. The person has received at least 20 injections of a standard trivalent arsphenamine derivative or of a standard trivalent arsenoxide and at least 20 injections of bismuth within a period of one year without progression or relapse of the disease during the period of treatment, or unless
 - c. The person has received a standard course of rapid arseno-therapy, penicillin therapy or other accepted rapid therapy and has undergone a subsequent observation period of one year without undue persistence of infectious syphilitic lesions or progression or relapse of the disease. Persons under quarantine or detention, however, may be released upon completion of such rapid treatment and healing of infectious syphilitic lesions, subject to continuation of medical observation.
3. Notwithstanding any exemption which would otherwise be provided by Section 2 of this Regulation, any pregnant woman with syphilis, which is not known to be congenital shall be regarded as infectious to her fetus unless
 - a. She is receiving standard treatment at least once weekly, consisting, for the most part, of arsenical drugs, or unless
 - b. She has received rapid therapy as described in c. of section 2, provided that any subsequent sign of persistence of lesions or progression or relapse of the disease shall cause her again to be regarded as infectious to her fetus, or unless
 - c. She has received adequate antisyphilitic therapy and
 1. A subsequent blood test for syphilis performed at least two years prior to onset of pregnancy was negative, and
 2. Her latest blood test for syphilis, performed during pregnancy, is negative, and
 3. All intervening blood tests for syphilis have been negative, and
 4. There has been no known evidence of progression or relapse of the disease since the first blood test referred to above (c. 1 of section 3).

4. Notwithstanding any exemption which would otherwise be provided by Section 2 of this Regulation, any blood donor who has syphilis as shown by history or any clinical or laboratory evidence shall be regarded as infectious to a blood recipient, unless accepted procedures are used to sterilize the blood of any *treponema pallida* which might be contained therein.
5. Any person who has had gonorrhea within six months and who has not fulfilled the criteria of cure as follows:
 - a. Absence of clinical signs of gonorrhea, and
 - b. Three successive negative gonococcus cultures taken at least 24 hours apart (preferably one week apart) and at least four days after ingestion or injection of any sulfonamide drug or penicillin. Culture specimens should be taken in accordance with instructions supplied with each outfit by the Gonococcus Culture Laboratory of the State Department of Health.

Persons under quarantine or detention, however, may be released upon completion of a standard course of penicillin therapy, subject to continuation of medical observation.

6. Any person with chancroid, until all lesions of the disease are healed and no discharges exist.
7. Any person with lymphogranuloma venereum, until all lesions of the disease are healed and no discharges exist.
8. Any person with granuloma inguinale, until all lesions of the disease are healed and no discharges exist.

RESOLVED FURTHER, That a report or affirmation by a licensed physician that a person has or has had a specified venereal disease may be accepted as sufficient evidence of the existence of such disease in said person on the specified date.

RESOLVED FURTHER, That nothing in section 3 of the first resolution above shall be construed as obviating the need for examining for syphilis the offspring of any mother who has had syphilis.

FEDERAL LAW AGAINST PROSTITUTION

PUBLIC LAW 163-77th CONGRESS

Chapter 287-1st Session

H. R. 2475

This law, the May Act, was enacted July 11, 1941. The need for Federal legislation prohibiting prostitution in zones around military and naval establishments had become evident following the passage of the selective service act.

An Act to prohibit prostitution within such reasonable distance of military and/or naval establishments as the Secretaries of War and/or Navy shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until May 15, 1945, it shall be unlawful, within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretaries of War and/or Navy shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy, and shall designate and publish in general orders or bulletins, to engage in prostitution or to aid or abet prostitution or to procure or solicit for the purposes of prostitution, or to keep or set up a house of ill fame, brothel, or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or to permit any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or to lease, or rent, or contract to lease or rent any vehicle, conveyance, place, structure, or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited; and any person, corporation, partnership, or association violating the provisions of this act shall, unless otherwise punishable under the Articles of War or the Articles for the Government of the Navy, be deemed guilty of a misdemeanor and be punished by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment, and any person subject to military or naval law violating this act shall be punished as provided by the Articles of War or the Articles for the Government of the Navy, and the Secretaries of War and of the Navy and the Federal Security Administration are each hereby authorized and directed to take such steps as they deem necessary to suppress and prevent the violation thereof, and to accept the co-operation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purposes of this act; provided, that nothing in this act shall be construed as conferring on the personnel of the War or Navy Department or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrest of civilians charged with violations of this act.

INTERSTATE QUARANTINE REGULATIONS OF THE UNITED STATES

Revised Edition of May, 1921, as amended December 20, 1933

United States Public Health Service

Washington, D. C.

Section 8 requires the persons infected with syphilis, gonorrhea, or chancroid to secure a permit from the local health officer to travel from one State to another, or to change his residence from one State to another. Other sections of the regulations prohibit the travel of persons exposed to infection and the transportation of infected persons by common carrier.

It is obviously impossible to examine for syphilis, gonorrhea, and chancroid every person who crosses a State boundary, and therefore the Interstate Quarantine Regulations could be enforced only in special instances. The investigation of the facts surrounding alleged violations and the reporting of these facts to the U. S. Public Health Service is the responsibility of State and local health officials.

These regulations have not been tested in New Jersey.

ALIENS

Regulations Governing the Medical Examination of Aliens, 1930 (Miscellaneous Publication No. 5), as amended by Foreign Quarantine Division Circular No. 68. U. S. Public Health Service.

Under the immigration laws, persons are excluded from admission to the United States who are afflicted with "a loathsome or dangerous contagious disease." Syphilis in the communicable stage, gonorrhea, and soft chancre are included in the list of such diseases. The instructions to medical officers qualify "syphilis" as follows: "Demonstrable syphilis shall be certified as a 'loathsome or dangerous contagious disease'; this will include particularly, cutaneous, mucous, or other open lesions, but will not include late cerebrospinal, visceral, or vascular lesions, or benign late syphilis." Cases of long duration, which in the opinion of the examining officer are not communicable, shall be adjudged according as conditions found may affect ability to earn a living.

At any time within five years after entry, an alien who becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing, may be deported.

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